

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VINCENT ROSENBALM,

No. C 07-5616 SI (pr)

Plaintiff,

ORDER OF DISMISSAL

v.

PEOPLE OF THE UNITED STATES,

Defendant.

Plaintiff filed this action to appeal a decision of the California Supreme Court to deny his petition for review in Rosenbalm v. Superior Court of Mendocino County, Cal. S. Ct. No. S157384. Federal district courts are courts of original jurisdiction and may not review the final determinations of a state court. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482-86 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923) (district courts may not exercise appellate jurisdiction over state courts). The Rooker-Feldman doctrine essentially bars federal district courts “from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court judgment.” Kougasian v. TMSL, Inc., 359 F.3d 1136, 1139 (9th Cir. 2004). Inasmuch as plaintiff clearly is trying to appeal the state court decision, this action must be dismissed for lack of subject matter jurisdiction.

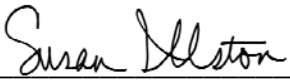
Plaintiff has attached to his notice of appeal documents from other cases in which he complains about the state court criminal proceedings that are or were pending against him. He must file a habeas petition if he wishes to challenge a criminal conviction or criminal proceedings, bearing in mind the limitations on pre-conviction habeas petitions that this court

1 explained when it dismissed two of his earlier habeas petitions. See Order of Dismissal in
2 Rosenbalm v. Pearce, No. C 06-7237 SI (pr), and Order of Dismissal in Rosenbalm v.
3 Mendocino Superior Court, No. C 06-7412 SI (pr).

4 The clerk shall close the file.

5 IT IS SO ORDERED.

6 Dated: December 17, 2007


SUSAN ILLSTON
United States District Judge